

(3) in the matter following designated clause (xi) (as added by paragraph (2) of this subsection) by inserting before the semicolon the following: " and in the case of an alleged prohibited personnel practice described in subsection (h)(8), an employee or applicant for employment in a Government corporation as defined in section 9101 of title 31".

5. United States Code.

is amended to read as follows:

"(B) covered position means with respect to any personnel action, any position in the competitive service, a career appointee position in the Senior Executive Service, or a position in the excelled service, but does not include any position which is, prior to the personnel action—

"(i) excelled from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character; or

"(ii) excluded from the coverage of this section by the President based on a determination by the President that it is necessary and warranted by conditions of good administration; and"

(3)

United States

Code, is amended in clause (i) by inserting before the semicolon: " except in the case of an alleged prohibited personnel practice described under subsection (h)(8)"

(4)

INFORMATIONAL PROGRAM.—Section 2302(c) of title

5, United

States Code, is amended in the first sentence by inserting before

the period " and for ensuring (in consultation with the Office of Special Counsel) that agency employees are informed of the rights and remedies available to them under this chapter and chapter 12 of this title".

SEC. 6. PERFORMANCE APPRAISALS.

Section 4313(5) of title 5, United States Code, is amended to read as follows:

"(5) meeting affirmative action goals, achievement of equal employment opportunity requirements, and compliance with the merit systems principles set forth under section 2301 of this title."

SEC. 7. MERIT SYSTEMS APPLICATION TO CERTAIN VETERANS AFFAIRS PERSONNEL.

Section 2105 of title 5, United States Code, is amended by adding at the end thereof the following new

subsection:

"(0 For purposes of sections 1212, 1213, 1214, 1215, 1216, 1221, 1222, 2302, and 7701, employees appointed under chapter 73 or 74 of title 38 shall be employees."

SEC. 8. CORRECTIVE ACTIONS ORDERED BY THE MERIT SYSTEMS PROTECTION BOARD.

(a) IN GENERAL — Section 1214 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(α) If the Board orders corrective action under this section, such corrective action may include —

"(1) that the individual be placed, as nearly as possible, in the position the individual would have been in had the prohibited personnel practice not occurred; and